CUMBERLAND LAW REVIEW

1993-1994

VOLUME 24

TABLE OF LEADING ARTICLES

Fruehwald, E. Scott, JURY TRIALS IN BANKRUPTCY COURT AFTER *GRANFINANCIERA,* 24 CUMB. L. REV. 79.

Reece, Sharon, CHOOSING THE LIMITED LIABILITY COMPANY AS AN OPPORTUNISTIC ENTITY AFTER THE REVENUE RECONCILIATION ACT OF 1993, 24 CUMB. L. REV. 259.

Sugg, Ike C., CAUGHT IN THE ACT: EVALUATING THE ENDANGERED SPECIES ACT, ITS EFFECTS ON MAN AND PROSPECTS FOR REFORM, 24 CUMB. L. REV. 1.

Wilburn, Kay Owens, ALTERNATIVE DISPUTE RESOLUTION IN ALABAMA: TIME FOR A GENUINE IMPLEMENTATION OF PROCESSES THAT CAN BETTER SERVE THE CLIENT, 24 CUMB. L. REV. 217.

SYMPOSIUM ON TORT REFORM

I. **Alabama's Collateral Source Rule: A Defense Attorney's Perspective**
Clark, Lawrence B., 24 CUMB. L. REV. 405.

II. **Alabama's Collateral Source Rule: A Plaintiff Attorney's Perspective**
Haley, John W., 24 CUMB. L. REV. 416.

III. **The Relationship Between Tort Reform and Business Recruitment**
Roberts, Jr., Richard T., 24 CUMB. L. REV. 429.

IV. Punitive Damages: Where We Stand
Drake, Russell Jackson, 24 CUMB. L. REV. 441.

V. Debate: What is the Role or Function of Punitive Damages?
Nettles, Bert S., 24 CUMB. L. REV. 453.
Pittman, W. Lee, 24 CUMB. L. REV. 460.

VI. The Process of Reform
McDonald, Matthew C., 24 CUMB. L. REV. 478.

VII. Round Table Discussion: Who Should be Responsible for Implementing Tort Reform: The Courts or the Legislature?, 24 CUMB. L. REV. 486.
Citrin, Andrew T.
Hogan III, Benjamin R.
McDonald, Matthew C.
Nettles, Bert S.
Parsons, Senator Mac

VIII. Medical Malpractice: A Plaintiff Attorney's Perspective
Citrin, Andrew T., 24 CUMB. L. REV. 515.

IX. Medical Malpractice: A Defense Attorney's Perspective
Atchison, W. Michael, 24 CUMB. L. REV. 531.

COMMENTARY

Spence, E. Berton & Spencer, Jr., Carey W., ACCRUAL OF HEARING LOSS ACTIONS UNDER THE FELA: THE OBJECTIVE STANDARD PREVAILS, 24 CUMB. L. REV. 113.

TABLE OF STUDENT COMMENTS

EUROPEAN ABORTION LAW: AN ANALYSIS AND COMPARISON OF ABORTION LAW IN THE EUROPEAN UNION AND THE UNITED STATES, 24 CUMB. L. REV. 573.

GRAPPLING WITH *MILLER V. CALIFORNIA*—THE SEARCH FOR AN ALTERNATIVE APPROACH TO REGULATING OBSCENITY, 24 CUMB. L. REV. 131.

KEEL V. BANACH: ALABAMA GIVES LIFE TO WRONGFUL BIRTH ACTIONS. SHOULD WE SUE FOR MALPRACTICE?, 24 CUMB. L. REV. 545.

THE AMERICANS WITH DISABILITIES ACT SAYS "OPEN SESAME" TO PUBLIC ACCOMMODATIONS OWNERS: IS THIS JUST?, 24 CUMB. L. REV. 281.

THE COLOR CONUNDRUM CONTINUES: *MASTER DISTRIBUTORS V. PAKO* AND *QUALITEX V. JACOBSON PRODUCTS*, 24 CUMB. L. REV. 299.

THE REASONABLE WOMAN STANDARD IN SEXUAL HARASSMENT CASES: IS IT REASONABLE?, 24 CUMB. L. REV. 559.

TABLE OF CASENOTES

CONSTITUTIONAL LAW—ESTABLISHMENT CLAUSE—A PANEL DISPLAYING THE TEN COMMANDMENTS IN A COUNTY COURTHOUSE VIOLATES THE ESTABLISHMENT CLAUSE. *Harvey v. Cobb County, Ga.*, 1993 WL 11264 (N.D. Ga. Jan. 13, 1993), 24 CUMB. L. REV. 339.

CONSTITUTIONAL LAW—ESTABLISHMENT CLAUSE—STATE FUNDING OF SIGN LANGUAGE INTERPRETER FOR DEAF STUDENT ATTENDING PAROCHIAL SECONDARY SCHOOL DOES NOT VIOLATE FIRST AMENDMENT. *Zobrest v. Catalina Foothills School District*, 113 S. Ct. 2462 (1993), 24 CUMB. L. REV. 587.

CONSTITUTIONAL LAW—FIRST AMENDMENT—HATE CRIMES STATUTE THAT PROVIDES FOR SENTENCE ENHANCEMENT IF DEFENDANT SELECTS VICTIM BASED ON RACE NOT A FREE SPEECH VIOLATION. *Wisconsin v. Mitchell*, 113 S. Ct. 2194 (1993), 24 CUMB. L. REV. 325.

CONSTITUTIONAL LAW—FOURTH AMENDMENT—DETAINEE NOT UNDER ARREST HAS NO REASONABLE EXPECTATION OF PRIVACY IN THE BACK SEAT OF A POLICE CAR. *United States v. McKinnon*, 985 F.2d 525 (11th Cir. 1993), 24 CUMB. L. REV., 24 CUMB. L. REV. 147.

CONSTITUTIONAL LAW—LIMITATIONS ON DAMAGES—ALABAMA FINDS STATUTE LIMITING PUNITIVE DAMAGES TO BE PER SE UNCONSTITUTIONAL. *Henderson v. Alabama Power Co.*, No. 1901875, 1993 WL 222341 (Ala. 1993), 24 CUMB. L. REV. 353.

CRIMINAL LAW—APPELLATE PROCESS—DISMISSAL OF FORMER FUGITIVE'S APPEALS NOT AN APPROPRIATE SANCTION UNLESS FUGITIVE STATUS SUFFICIENTLY AFFECTS APPELLATE PROCESS, *Ortega-Rodriguez v. United States*, 113 S. Ct. 1199 (U.S. Mar. 8, 1993), 24 CUMB. L. REV. 177.

TORTS—WRONGFUL DEATH—NONVIABLE FETUS IS NOT A "MINOR CHILD" UNDER ALABAMA'S WRONGFUL DEATH ACT, *Gentry v. Gilmore*, 613 So. 2d 1241 (Ala. 1993) (per curiam), 24 CUMB. L. REV. 159.

BOOK REVIEWED

Iannotti, Lawrence W., PREJEAN: *DEAD MAN WALKING*, 24 CUMB. L. REV. 601.

ELEVENTH CIRCUIT: SURVEY OF RECENT DECISIONS

Admiralty and Marine: Continuing Tort Theory
Santiago v. Lykes Brothers Steamship Co., 24 CUMB. L. REV. 194.

Antitrust: Alabama Motor Fuel Marketing Act
McGuire Oil Co. v. Mapco, Inc., 24 CUMB. L. REV. 195.

Antitrust: Restraint of Trade
U.S. Anchor Mfg., Inc. v. Rule Industries, Inc., 24 CUMB. L. REV. 366.

Banking: Federal Deposit Insurance Corporation (FDIC)
Vernon v. FDIC, 24 CUMB. L. REV. 196.

Bankruptcy Law: Exemptions
Schlein v. Mills, 24 CUMB. L. REV. 369.

Bankruptcy Law: Insurance
Camp v. Saint Paul Fire & Marine Insurance Co., 24 CUMB. L. REV. 198.

Bankruptcy Law: Securities
Utility Contractors Financial Services, Inc. v. Am-South Bank, 24 CUMB. L. REV. 200.

Business Law: Partnerships
Monetary Group v. Barnett, 24 CUMB. L. REV. 371.

Civil Litigation: Interim Relief
Cheffer v. McGregor, 24 CUMB. L. REV. 372.

Civil Litigation: Jurisdiction
Sullivan v. Naturalis, Inc., 24 CUMB. L. REV. 375.

Civil Litigation: Remedies
United States v. Johnson, 24 CUMB. L. REV. 201.

Civil Litigation and Procedure: Juries
Vineyard v. County of Murry, 24 CUMB. L. REV. 615.

Civil Litigation and Procedure: Preemption
Public Health Trust v. Lake Aircraft, 24 CUMB. L. REV. 618.

Civil Litigation and Procedure: Standing
Region 8 Forest Service Timber Purchasers Council v. Alcock, 24 CUMB. L. REV. 620.

Civil Litigation and Procedure: Statutes of Limitations
Bradway v. American National Red Cross, 24 CUMB. L. REV. 623.

Constitutional Law: Equal Protection
Cone Corp. v. Hillsborough County, 24 CUMB. L. REV. 203.

Constitutional Law: Freedom of Speech
Dimmitt v. City of Clearwater, 24 CUMB. L. REV. 205.

Criminal Law: Forfeiture
In re $121,000 in United States Currency, 24 CUMB. L. REV. 377.

Criminal Law: Sentencing
United States v. Pedersen, 24 CUMB. L. REV. 379.
United States v. Segien, 24 CUMB. L. REV. 206.

Criminal Law and Procedure: Criminal Acts
United States v. Herring, 24 CUMB. L. REV. 625.

Criminal Law and Procedure: Rights of Defendants
Cumbie v. Singletary, 24 CUMB. L. REV. 628.

Environmental Law: Waste Disposal
GSW v. Long County, 24 CUMB. L. REV. 381.

Individual Rights: Due Process
James v. City of St. Petersburg, 24 CUMB. L. REV. 383.

Individual Rights: Equal Protection
Fitzpatrick v. City of Atlanta, 24 CUMB. L. REV. 385.

Individual Rights: Establishment Clause
Chabad-Lubavitch v. Miller, 24 CUMB. L. REV. 388.

Individual Rights: Freedom of Speech
Bates v. Hunt, 24 CUMB. L. REV. 391.

Individual Rights: Takings Clause
Marshall County Board of Education v. Marshall County Gas District, 24 CUMB. L. REV. 630.

Insurance Law: Agents
Sherrin v. Northwestern National Life Insurance Co., 24 CUMB. L. REV. 393.

Intellectual Property: Copyrights
Bellsouth Advertising & Publishing v. Donnelley Information Publishing, 24 CUMB. L. REV. 396.

Labor and Employment: Employment Discrimination
Knight v. Georgia, 24 CUMB. L. REV. 633.

Labor and Employment: ERISA
Chapman v. Klemick, 24 CUMB. L. REV. 397.

Labor and Employment: Non-Compete Agreements
W.R. Grace & Co. v. Mouyal, 24 CUMB. L. REV. 208.

Securities: 1933 Act
First Union Discount Brokerage Services, Inc. v. Milos, 24 CUMB. L. REV. 399.

Taxation: Fraud
United States v. McRee, 24 CUMB. L. REV. 209.

Taxation: Income
Bosarge v. United States Department of Education, 24 CUMB. L. REV. 402.
Tavano v. Commissioner, 24 CUMB. L. REV. 211.

Taxation: S Corporations
Beard v. United States, 24 CUMB. L. REV. 636.

Torts: Admiralty and Marine
O'Boyle v. United States, 24 CUMB. L. REV. 639.

Torts: Damages
Oxford Furniture Co. v. Drexel Heritage Furnishings, Inc., 24 CUMB. L. REV. 213.